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Attorneys for the entity and official capacity Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

TRICIA WACHSMUTH,)	
)	
Plaintiff,)	10-CV-041-J
)	
vs.)	
)	
CITY OF POWELL, ET AL.)	
)	
Defendants.)	

DEFENDANTS' PRELIMINARY JOINT EXPERT WITNESS DESIGNATION

The Defendants hereby submit their preliminary expert witness designation in accordance with the Scheduling Order.

1. K. Thor Eells
19875 Indian Summer Lane
Monument, Colorado 80132
Phone: (719) 310-7664

Mr. Eells is an expert in the area of law enforcement training and enforcement; specifically SWAT training, practice and procedure. He has a broad base of knowledge and expertise stemming from his extensive education, training and experience in this area. His experience and expertise in this area, as well as a review of the records and pleadings in this case, form the basis for Mr. Eells opinions. All opinions are to a reasonable degree of probability within the field. Mr. Eells Curriculum Vitae is attached hereto and includes a list of cases as required by the rules. Mr. Eells Fee Schedule and CV are attached as Exhibits A and B.

Mr. Eells will testify that the actions of the officers in executing the warrant in question were reasonable, appropriate and well within the standard. Mr. Eells has not had an opportunity to review the depositions, as the transcripts were not available until yesterday for the first round of depositions and the other depositions have not yet been taken. Mr. Eells will review the depositions and supplement his opinions.

Mr. Eells will testify that the policies, procedures and training were appropriate. He will also testify that the amount of force and type of entry utilized were justified under the circumstances of this case. Mr. Eells has prepared an initial report attached hereto as

Exhibit C. He will supplement that report and his opinions upon review of the depositions and other relevant documents. It is assumed that the deposition of Mr. Eells will be taken, and the contents thereof are incorporated herein by reference. Mr. Eells will also testify in rebuttal to Plaintiff's expert's opinions and he reserves the right to testify in rebuttal of any testimony offered by any party at trial.

2. The Defendants:

Tim Feathers
Chad Miner
Mike Cretien
Roy Eckerdt
Dave Brown
Mike Hall
Brett Lara
Matt McCaslin
Alan Kent
Matthew Danzer
Matt Brilakis
Lee Blackmore
Cody Bradley
Kirk Chapman

The Defendants in this case are all peace officers with education, training and experience in the area of police practice. They will testify that their actions were reasonable and appropriate. They may offer opinions about reasonable police practice and may also provide opinions and testimony about the training, policies and procedures of the police department.

The Defendants reserve the right to call the expert witnesses listed by the other parties in this case and rebuttal witnesses. The Defendants also reserve the right to call any witness necessary for foundation for any exhibit to be introduced at trial. The Defendants further reserve the right to list additional experts based on an independent medical/psychological exam to be conducted within the time allowed by the Court.

DATED this 2nd day of November, 2010.

/s/ Misha Westby

Misha Westby, WSB No. 6-2826
Senior Assistant Attorney General

/s/ Thomas A. Thompson

Thomas A. Thompson, WSB No. 6-2840
MacPherson, Kelly & Thompson

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2010, the foregoing was filed electronically via CM/ECF which sent notification to the following individuals:

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/s/ Lee Ann Schutt

Office of the Wyoming Attorney General